

REMARKS

In the Office Action the Examiner has rejected all claims for being unpatentable over various combinations of references. In particular, the Examiner relies on the combination of Pawlowski et al. (2004/0002694 A1) in view of Zeylikovich et al. (5943133).

In response, Applicant has amended the independent claims of the present invention (i.e. claims 1, 12 and 23) to require that a laser source initially generate laser pulses having a first wavelength. Then, by photon conversion, these laser pulses subsequently induce tissue to generate a Second Harmonic Generation (SHG) having a second wavelength. Support for these amendments is found in the specification on page 5 at lines 18-21, on page 6 at lines 19-26, and beginning on page 9 at line 18 and continuing on to page 10 through line 3.

Amendments to the claims have been made to improve the readability of the claims, to more clearly define the structure of the present invention, and to point out the features which distinguish this invention over the cited art. Claims 1-32 remain pending.

Rejections Under 35 U.S.C. § 103

Claims 1-4, 6-10, 12-21, 23-25 and 27-31 have been rejected for being unpatentable over Pawlowski in view of Zeylikovich. Claims 5, 11, 22, 26 and 32 have been rejected for being unpatentable over Pawlowski in view of Zeylikovich, and further in view of Dubnack (6347244).

On page 8 of the Office Action, in his **Response to Arguments**, the Examiner specifically states: "A second harmonic generation is required in both the application and prior art. Therefore the claimed limitation is disclosed". In the context of the present invention, this would mean an emission of second harmonics from a laser source (see Zeylikovich, col. 14, lns 26-29) is the same as the generation of a second harmonic generation (SHG) response due to the phenomenon of "photon conversion." In this case, the Examiner's contention would not distinguish between origins of the second harmonic generation. And, accordingly, it would not acknowledge the unique nature of the "photon conversion" phenomenon that is clearly required for the present invention.

All of the pending independent claims for the present invention (i.e. claims 1, 12 and 23) now require a laser source for generating a pulsed laser beam having a first wavelength. The pulses of this laser beam then induce "photon conversion" in the tissue. Stated differently, it is the tissue, and not another laser source, that generates the second harmonic generation (SHG) response having a second wavelength. Thus, unlike the cited prior art, the present invention effectively requires there be two separate and distinct laser generations. Specifically, one laser (first wavelength) is initially generated by a laser source. The other laser (second wavelength) is subsequently generated when tissue is illuminated by the laser source (first wavelength) due to the phenomenon of "photon conversion." From a different perspective, whereas imaging for the present invention relies on light generated by the tissue being imaged (i.e. "photon

conversion"), the prior art relies on reflected light for imaging purposes. Thus, Applicant contends the cited references, neither individually nor collectively, teach or suggest such a structure or cooperation of structure as now claimed for the present invention.

For the reasons set forth above, Applicant believes the bases for rejecting claims for being unpatentable have been overcome and should be withdrawn.

In conclusion, Applicant respectfully asserts that claims 1-32 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 27 day of October, 2008.

Respectfully submitted,



NEIL K. NYDEGGER
Attorney for Applicant
Registration No. 30,202
Customer No. 23862

NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, California 92103
Telephone: (619) 688-1300

Docket No: 11126.6